REMARKS

Present Status of Patent Application

The Office Action rejected claims 1-12 under 35 U.S.C. §103 as being unpatentable over U.S. Patent 5,315,592, to Conant et al., in view of U.S. Patent 6,067,561, to Dillon. For the reasons set forth herein, Applicant respectfully requests reconsideration and withdrawal of these rejections.

Discussion of Rejections

Independent Claim 1

The Office Action rejected claim 1 under 35 U.S.C. §103 as being unpatentable over U.S. Patent 5,315,592, to Conant et al., in view of U.S. Patent 6,067,561, to Dillon. For the reasons set forth below, Applicant respectfully traverses this rejection.

Independent claim 1 recites:

> 1. A method for communicating in a point to multi-point digital subscriber line (DSL) network, comprising the steps of:
>
> electrically connecting a local loop to customer premises wiring;
>
> establishing intra-LAN computer communications among a plurality of computers located at the customer premises, over the customer premises wiring, in a LAN frequency band, wherein one of the plurality of computers is configured as a Master computer and the remaining computers are configured as Slave computers;
>
> establishing a WAN communications link between the Master computer located at the customer premises and a line card located at a central office, across the local loop, wherein communications between the Master computer and the central office occur in a WAN frequency band;
>
> ***directing outgoing WAN communications from any of the Slave computers to the WAN communications link, via the Master computer***; and
>
> receiving incoming WAN communications directly at any of the Slave computers.

(*Emphasis added.*)

Applicant respectfully submits that claim 1 patently defines over the cited art for at least the reason that the cited prior art fails to disclose or otherwise teach the features emphasized above.

It is well established that an "[a]n applicant is ordinarily entitled to be his own lexicographer, so long as his meaning is clear." In re Castaing and Slodzian, 429 F.2d 461, 166 U.S.P.Q. 550, 551 (C.C.P.A. 1970). Given this, Applicant submits that the terms used in Conant are not synonymous with the terms used by Applicant. Furthermore, Applicant submits that because Conant's definition so diverges with Applicant's definition of certain terms, it is **impossible** to direct an outgoing communication from Conant's "slave bridge" to the WAN through Conant's "master bridge." For at least this reason, Applicant submits that Conant is not a proper reference. *See, e.g.,* Interconnect Planning Corp. v. Feil, 774 F.2d 1132, 1143, 227 U.S.P.Q. 543 (Fed. Cir. 1985); In re Gordon, 733 F.2d 900, 221 U.S.P.Q. 1125, 1127 (Fed. Cir. 1984) (If a reference would be "rendered inoperable for its intended purpose" when it is modified for use as prior art, then the reference "teaches away" and should not be used).

It appears as if the Office Action uses Conant's "bridge" interchangeably with Applicant's "computer." However, as taught by Conant, these terms are neither synonymous nor interchangeable. Conant specifically defines bridges as being "connected to **different LANs** and connected to each other by at least one WAN link." Conant at col. 3, lines 46-47. Thus, rather than providing an **intra**-LAN connection, bridges, as defined by Conant, provide **inter**-LAN connections. In this sense, Conant's "bridges" share no commonality with Applicant's "computers." Additionally, FIGS. 1 and 3 of Conant clearly show computer stations 54, 56 connected to LANs. Thus, even Conant does not use these terms interchangeably.

Additionally, Conant's definition of "slave" and Applicant's definition of "slave" are neither interchangeable nor synonymous. Specifically, Conant defines the "bridges" on the **same LAN** as the master bridge (*i.e.*, **intra**-LAN "bridges") as "peer bridges," and **not** as "slave bridges." Those "bridges" that are on **different LANs** (*i.e.*, **inter**-LAN) are designated as "slave bridges." Conant at col. 6, lines 26-30. Applicant, on the other hand defines a "Slave" as being on the **same LAN** as a "Master" (*i.e.*, **intra**-LAN). Thus, given Conant's definition of "slave bridges," Applicant submits that it would be **impossible** to direct an outgoing communication from Conant's "slave bridge" to the WAN through Conant's "master bridge."

Pending claim 1 recites the step of "directing outgoing WAN communications **from any of the Slave computers to the WAN communications link, via the Master computer**." Thus, claim 1 teaches that an outgoing communication from a "Slave computer" is directed to a WAN via a "Master computer," which is **on the same LAN** as the "Slave computer." To the contrary, it would be **impossible** to direct an outgoing communication from Conant's "slave bridge" to the WAN through Conant's "master bridge" because Conant's "slave bridge" is **not on the same LAN** as Conant's "master bridge." Thus, should an outgoing communication from Conant's "slave bridge" be directed to the WAN using Conant's "master bridge," it would be necessary for the communication to cross the WAN from Conant's "slave bridge" to Conant's "master bridge" and then be directed, again, to the WAN. Regardless of how one looks at Conant's system, it is **impossible** to direct a communication from Conant's "slave bridge" to the WAN using Conant's "master bridge."

Thus, regardless of what other references may be used in combination, because it is **impossible** to direct a communication from Conant's "slave bridge" to the WAN using

Conant's "master bridge," Applicant respectfully submits that the elements of claim 1 are neither taught by Conant nor made obvious in view of **any** reference combined with Conant. For at least this reason, Applicant respectfully submits that claim 1 is in condition for allowance.

Independent Claim 7

The Office Action rejected claim 7 under 35 U.S.C. §103 as being unpatentable over U.S. Patent 5,315,592, to Conant et al., in view of U.S. Patent 6,067,561, to Dillon. For the reasons set forth below, Applicant respectfully traverses this rejection.

Independent claim 7 recites:

> 7. A communication circuit for equipping a computer to communicate over both a LAN and a WAN comprising:
>
> WAN communication circuitry for generating signals for communication over the WAN in accordance with a predetermined transmission frequency and protocol;
>
> LAN communication circuitry for generating signals for intra-LAN communication, the LAN communication circuitry configured to generate a signal that is transmitted in a frequency band that exceeds the highest transmission frequency of signals communicated over the WAN;
>
> ***first logic configured to direct outbound WAN communications through another computer on the LAN, communicating these communications through the another computer within a LAN frequency band***; and
>
> second logic configured to monitor inbound WAN communications and receive directly inbound WAN communications destined for the computer.

(*Emphasis added.*) Applicant respectfully submits that claim 7 patently defines over the cited art for at least the reason that the cited prior art fails to disclose or otherwise teach the features emphasized above.

Here, Applicant submits, again, that the terms used in Conant are not synonymous with the terms used by Applicant. Furthermore, Applicant submits, again, that because Conant's definition so diverges with Applicant's definition of certain terms, it is **impossible** to direct an

outgoing communication from Conant's "slave bridge" to the WAN through Conant's "master bridge." For at least this reason, Applicant submits that Conant is not a proper reference. *See, e.g.,* Interconnect Planning Corp. v. Feil, 774 F.2d 1132, 1143, 227 U.S.P.Q. 543 (Fed. Cir. 1985); In re Gordon, 733 F.2d 900, 221 U.S.P.Q. 1125, 1127 (Fed. Cir. 1984) (If a reference would be "rendered inoperable for its intended purpose" when it is modified for use as prior art, then the reference "teaches away" and should not be used).

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Additionally, Conant's definition of "slave" and Applicant's definition of "slave" are neither interchangeable nor synonymous. Specifically, Conant defines the "bridges" on the **same LAN** as the master bridge (*i.e.*, **intra**-LAN "bridges") as "peer bridges," and **not** as "slave bridges." Those "bridges" that are on **different LANs** (*i.e.*, **inter**-LAN) are designated as "slave bridges." Conant at col. 6, lines 26-30. Applicant, on the other hand defines a "Slave" as being on the **same LAN** as a "Master" (*i.e.*, **intra**-LAN). Thus, given Conant's definition of "slave bridges," Applicant submits that it would be **impossible** to direct an outgoing communication from Conant's "slave bridge" to the WAN through Conant's "master bridge."

Pending claim 7 recites a "first logic configured to direct outbound WAN communications through another computer **on the LAN**, communicating these communications through the another computer within a LAN frequency band; and." Thus, claim 7 teaches that an outgoing communication is directed to a WAN "through another computer **on the LAN**. Unlike the system of claim 7, it would be **impossible** to direct an outgoing communication from Conant's "slave bridge" to the WAN through Conant's "master bridge" because Conant's "slave bridge" is **not on the same LAN** as Conant's "master bridge." Thus, should an outgoing communication from Conant's "slave bridge" be directed to the WAN using Conant's "master bridge," it would be necessary for the communication to cross the WAN from Conant's "slave bridge" to Conant's "master bridge" and then be directed, again, to the WAN. Regardless of how one looks at Conant's system, it is **impossible** to direct a communication from Conant's "slave bridge" to the WAN using Conant's "master bridge."

Thus, regardless of what other references may be used in combination, because it is **impossible** to direct a communication from Conant's "slave bridge" to the WAN using Conant's "master bridge," Applicant respectfully submits that the elements of claim 7 are neither taught by Conant nor made obvious in view of **any** reference combined with Conant. For at least this reason, Applicant respectfully submits that claim 7 is in condition for allowance.

Independent Claim 9

The Office Action rejected claim 9 under 35 U.S.C. §103 as being unpatentable over U.S. Patent 5,315,592, to Conant et al., in view of U.S. Patent 6,067,561, to Dillon. For the reasons set forth below, Applicant respectfully traverses this rejection.

Independent claim 9 recites:

> 9. In a computer having both WAN and LAN communication circuitry, wherein WAN communication circuitry generates signals for communication over a WAN in accordance with a WAN frequency and protocol and LAN communication circuitry generates signals for intra-LAN communication in accordance with a LAN frequency and protocol, a method for configuring a computer to communicate over both a LAN and a WAN comprising the steps of:
>
> detecting whether another at least one other computer is communicating with the LAN;
>
> configuring the computer as a Slave computer on the LAN, if at least one other computer is detected as being in communication with the LAN;
>
> ***communicating all outbound WAN communications through a Master computer, using the LAN frequency to communicate the outbound communications from the Slave computer to the Master computer;***
>
> monitoring communications over the LAN within the WAN frequency band for communications destined for the Slave computer; and
>
> ***receiving appropriate inbound WAN communications directly.***

(*Emphasis added.*) Applicant respectfully submits that claim 9 patently defines over the cited art for at least the reason that the cited prior art fails to disclose or otherwise teach the features emphasized above.

Here, Applicant submits, again, that the terms used in Conant are not synonymous with the terms used by Applicant. Furthermore, Applicant submits, again, that because Conant's definition so diverges with Applicant's definition of certain terms, it is **impossible** to direct an outgoing communication from Conant's "slave bridge" to the WAN through Conant's "master bridge." For at least this reason, Applicant submits that Conant is not a proper reference. *See, e.g.,* Interconnect Planning Corp. v. Feil, 774 F.2d 1132, 1143, 227 U.S.P.Q. 543 (Fed. Cir. 1985); In re Gordon, 733 F.2d 900, 221 U.S.P.Q. 1125, 1127 (Fed. Cir. 1984) (If a reference would be "rendered inoperable for its intended purpose" when it is modified for use as prior art, then the reference "teaches away" and should not be used).

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Pending claim 9 recites "communicating all outbound WAN communications **through a Master computer** [which is on the **same LAN** as a Slave computer], using the LAN frequency to communicate the outbound communications from the Slave computer [which is on the **same LAN** as the Master computer] to the Master computer." Thus, claim 9 teaches that an outgoing communication is directed to a WAN "through a Master computer," which is **on the same LAN as the Slave Computer**. Unlike the system of claim 9, it would be **impossible** to direct an outgoing communication from Conant's "slave bridge" to the WAN through Conant's "master bridge" because Conant's "slave bridge" is **not on the same LAN** as Conant's "master bridge." Thus, should an outgoing communication from Conant's "slave bridge" be directed to the WAN

using Conant's "master bridge," it would be necessary for the communication to cross the WAN from Conant's "slave bridge" to Conant's "master bridge" and then be directed, again, to the WAN. Regardless of how one looks at Conant's system, it is **impossible** to direct a communication from Conant's "slave bridge" to the WAN using Conant's "master bridge."

Thus, regardless of what other references may be used in combination, because it is **impossible** to direct a communication from Conant's "slave bridge" to the WAN using Conant's "master bridge," Applicant respectfully submits that the elements of claim 9 are neither taught by Conant nor made obvious in view of **any** reference combined with Conant. For at least this reason, Applicant respectfully submits that claim 9 is in condition for allowance.

Dependent Claims 2-6, 8, and 10-12

Dependent claims 2-6, 8, and 10-12 depend from allowable independent claims 1, 7, and 9, respectively, and therefore patently define over the cited references for at least the same reasons discussed above. For at least this reason, Applicant respectfully submits that claims 2-6, 8, and 10-12 are allowable, and, hence, respectfully request allowance of these claims.

Improper Issuance of Final Office Action

The first Office Action, mailed on January 29, 2002, did not address several of the claim elements. In this respect, the Office Action rejected independent claims 1, 7, and 9 as a group, generally referencing only the claim language of claim 1 (and even ignoring some of features of claim 1). In view of the improper rejection resulting from the first Office Action, Applicant respectfully submits that the finality of the present Office Action is improper, and respectfully request the withdrawal of the finality of the present office action.

CONCLUSION

Applicants respectfully submit that all claims are now in proper condition for allowance, and respectfully request that the Examiner pass this case to issuance. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

No fee is believed to be due in connection with this response. If, however, any fee is deemed to be payable, you are hereby authorized to charge any such fee to Deposit Account No. 20-0778.

Respectfully submitted,

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